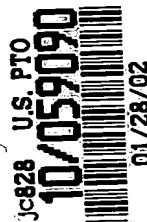


#2

Docket No. 1958/65128/EDK/PT/KJB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kent Paschal and Lia Paschal
Serial No.: Not Yet Known
Filed: Filed Herewith
For: METHOD AND SYSTEM FOR VOTING BY TELEPHONE



January 28, 2002
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P.
\$708.02, VIII

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants, through their undersigned attorney, hereby petition to make the above-identified new application, which is filed concurrently herewith and has not received any examination by the United States Patent and Trademark Office, special.

All claims in this application are directed to a single invention. If the Office determines that all of the claims presented are not obviously directed to a single invention, then applicants will make an election as a prerequisite to the grant of special status.

Two searches were conducted: one by keyword in a full-text database and a second by a professional searcher. The initial

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01 FC:122
~~02 FC:201~~ 370.00 CH
~~03 FC:203~~ 135.00 CH

Docket No. 1958/65128/EDK/PT/KJB

search was performed using the search terms "telephone" and "voting system" or "voting service" in the specification field of the United States Patent and Trademark Office computer searchable database. The second search performed by a professional searcher included the following U.S. classifications:

Class 379, subs 92.02, 93.03;
Class 705, sub 12.

A copy of each of the references deemed most closely related to the subject matter encompassed by the claims is enclosed.

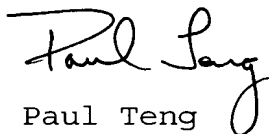
A detailed discussion of the references which particularly points out how the claimed subject matter is distinguishable over the prior art is included herewith.

Submitted herewith is a check for \$130 for the fee specified by 37 CFR 1.17(h).

Any deficiency or overpayment should be charged or credited to the Deposit Account No. 03-3125.

Respectfully submitted,

COOPER & DUNHAM LLP



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STATEMENT PARTICULARLY POINTING OUT DISTINGUISHING FEATURES OF
CLAIMED SUBJECT MATTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Through the present statement, Applicants particularly point out the distinguishing features of the claimed subject matter of the above-identified application from those references, which were identified through searches performed at Applicants' request, deemed most closely related to the subject matter claimed in the present application.

U.S. Patent 3,502,813 (Walker), as understood by Applicants, relates to a system for instantaneously transmitting votes of a multiplicity of voters to a centralized receiving center with the voters being proximately located relative to the centralized

receiving center, or located remotely therefrom. Walker is distinguishable from the claimed subject matter of the present application at least in that Walker fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 3,644,675 (Watlington), as understood by Applicants, relates to a calling party identification system in which a voter calls a predetermined phone number and enters their own telephone number. The voting system calls the voter back using the entered telephone number. The voting system may also compare the entered number to a list of numbers stored in memory for identification purposes. The present invention is distinguishable from Watlington at least in that when the claimed subject matter of the present application is practiced, the caller is not called back by the voting system in order to place their vote.

U.S. Patent No. 4,696,029 (Cohen), as understood by Applicants, relates to a system for controlling initiation of voting telephone calls by controlling character generators at a group of affiliated television broadcast stations through a control center which receives real time feedback of telephone voting traffic data from polling terminals at telephone central

offices. Cohen is distinguishable from the claimed subject matter of the present application at least in that Cohen fails to show or suggest comparing an entered identification number to a plurality of stored identification numbers.

U.S. Patent No. 4,949,379 (Cordell), as understood by Applicants, relates to a secure vote transmission system in which enemy interception problems are overcome by analyzing speech characteristics of a password from a known operator. Cordell is distinguishable from the claimed subject matter of the present application at least in that Cordell fails to show or suggest comparing an entered identification number to a plurality of stored identification numbers.

U.S. Patent No. 4,962,525 (Beckh), as understood by Applicants, relates to casting votes by dialing a subscriber number of a stated destination switching center. Beckh is distinguishable from the claimed subject matter of the present application at least in that Beckh fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 5,181,238 (Medamana et al.), as understood by Applicants, relates to arrangements for providing pre-authentication access from a caller to a service provider.

Medamana et al. is distinguishable from the claimed subject matter of the present application at least in that Medamana et al. fails to show or suggest a method and system for voting by telephone. Further, Medamana et al. fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S Patent No. 5,218,528 (Wise et al.), as understood by Applicants, relates to an automated voting system that integrates the stages of registering and certifying voters and collecting their votes. A computer-based voter registration station accesses a database to verify that the voter is eligible to vote. Vote entry stations provide a computer-based interactive graphic interface for permitting the voter to enter votes. Wise et al. is distinguishable from the claimed subject matter of the present application at least in that Wise et al. fails to show or suggest a method and system for voting by telephone. Further, Wise et al. fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S Patent No. 5,274,695 (Green), as understood by Applicants, relates to a system for identifying a caller in a telecommunications network using a voice-responsive control device to compare spoken utterances of callers with previously stored

voice templates. Green is distinguishable from the claimed subject matter of the present application at least in that Green fails to show or suggest a method and system for voting by telephone. Further, Green fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 5,278,753 (Graft, III), as understood by Applicants, relates to an electronic voting system which includes an optical disk cartridge adapted to store election data and ballots therein. A plurality of precinct computer units are connected to a display for transmitting election data to the voters and for receiving the ballots cast by voters. Graft, III is distinguishable from the claimed subject matter of the present application at least in that Graft, III fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 5,412,727 (Drexler et al.), as understood by Applicants, relates to a method for deterring fraudulent voting involving use of wallet-sized cards having a permanent data storage medium and a temporary data storage medium disposed on each card. A first card writing device has means for acquiring biometric information from a person and writing

template of that information on the permanent storage medium. Drexler et al. is distinguishable from the claimed subject matter of the present application at least in that Drexler et al. fails to show or suggest a method and system for voting by telephone. Further, Drexler et al. fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 5,465,290 (Hampton et al.), as understood by Applicants, relates to a distributed information processing system for verifying the true identity of telephone callers in which data is stored in a first processing station and signal processing is performed by one or more speaker verification units located at one or more respective second, remote processing stations. Hampton et al. is distinguishable from the claimed subject matter of the present application at least in that Hampton et al. fails to show or suggest a method and system for voting by telephone. Further, Hampton et al. fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 5,479,942 (Hofstee et al), apparently relates to a televoting method in which a large number of subscribers connected to a telecommunications network are able

call a subscriber number, referred to as a televoting number, corresponding to a televoting processor in order to transmit their vote to the processor. Hofstee et al. is distinguishable from the claimed subject matter of the present application at least because Hofstee et al. fails to show or suggest comparing an entered identification number to a plurality of stored identification numbers.

U.S. Patent No. 5,510,777 (Pilc et al.), as understood by Applicants, relates to a method for secure access control for access to a destination in which a user is prompted to supply additional authentication information beyond that which may be supplied to a requestor in an attempt to meet a first level of security specified by the nature of the request itself only if it is determined from a set of predefined attributes of the particular access request that additional information is necessary. Pilc et al. is distinguishable from the claimed subject matter of the present application at least in that Pilc et al. fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 5,612,871 (Skogmo) apparently relates to a quality monitoring system that can detect certain system faults and fraud attempts in a distributed voting system. Skogmo is

distinguishable from the claimed subject matter of the present application at least in that Skogmo fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S Patent No. 5,719,619 (Hattori et al.), as understood by Applicants, relates to a bidirectional broadcast method and system that allows, even when an existing telephone voting service is used to respond to a bidirectional broadcast, broadcasting wherein a plurality of questions are related to each other. A broadcasting station broadcasts questions, answer choices for a response to each question and responding destination telephone numbers for the individual answer choices. The number of calls to each destination telephone number is calculated and reported as voting results. The broadcasting station then broadcasts the voting results. Hattori et al. is distinguishable from the claimed subject matter of the present application at least in that Hattori et al. fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 6,016,337 (Pykälistö), as understood by Applicants, relates to a method and arrangement for televoting in an intelligence network. Pykälistö is distinguishable from

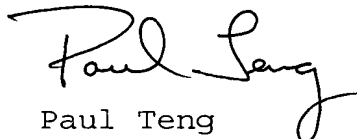
the claimed subject matter of the present application at least in that Pykälistö fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

U.S. Patent No. 6,219,407 (Kanevsky et al.), as understood by Applicants, relates to a telephone voice mail messaging system for performing recognition of characters included in a telephone message left by a caller. Kanevsky et al. is distinguishable from the claimed subject matter of the present application at least in that Kanevsky et al. fails to show or suggest comparing a telephone number from which a call originates to a stored telephone number.

Applicants respectfully submit that the claimed subject matter of the present application is distinguishable from the above-identified references for at least the reasons mentioned above.

Respectfully submitted,

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